



USFWS Overview of ESA

The Endangered Species Act and the Grizzly Bear Advisory Council's Work:

*How does the ESA influence the work of the council?
Does ESA limit GBAC authority? Does ESA give the GBAC
a framework for recommendations? Are there
sideboards for GBAC recommendations because of GB
status under the ESA?*

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Overview...



- ❑ Overview of ESA . . .
- ❑ What is process for listing?
- ❑ What is recovery?
- ❑ How does the status of GB influence/limit/direct the GB Advisory Councils recommendations?
- ❑ Questions . . .

ESA Overview



Endangered Species Act of 1973

Findings of Congress

“Various species of fish, wildlife, and plants have been rendered extinct as a consequence of growth untempered by adequate conservation.”

“These species are of aesthetic, ecological, educational, historical, recreational, and scientific value to this Nation and its people.”

ESA Overview



Intended to provide for the conservation ecosystems upon which endangered species and threatened species depend:

- Original Statute passed in 1973
- Relatively little controversy when originally passed

ESA Overview



In short, the Act Requires the Services to:

- List, classify, protect and recover species (S4, S9 & S12)
- Review and evaluate federal actions for potential affects to listed species (S7)
- Oversee recovery activities (S4, S5, S6)
- Work cooperatively with the States (S6) & Internationally (S8)
- Provide exemptions for scientific efforts and conservation activities (S10)

How is a Species Listed...?



Determine the “species” or listable entity

- Entire species
- Subspecies
- Distinct population segment

Determine the species’ status...

- Does it meet the definition of threatened or endangered
- Based -solely on the best scientific and commercial (trade) information available

How is a Species Listed...?



- Endangered Species - any “species” which is in danger of extinction throughout all or a significant portion of its range. (ESA Section 3(6))

How is a Species Listed...?



- Threatened Species - any “species” which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
(ESA Section 3(20))

How is a Species Listed...?



Determine the species' status (con't):

- Seek “best available” information
 - Consider population, trends and status
- Complete a risk assessment –threats

Consider what we know, think we know and don't know

How is a Species Listed...?



Determine the species' status (con't):

- When seeking “best available” information on species, we consider-
 - Presence/absence information
 - Surveys, population/trend information, abundance, modeling
 - Life history information
 - Habitat information
 - Potential threats
 - Conservation measures that improve any of above...

How is a Species Listed...?



Determine the species' status (con't):

Conducting a Risk Assessment –Is it in danger of extinction because of:

- Loss of habitat
- Overuse due to scientific, commercial and other reasons
- Disease or predation
- Inadequate regulations
- Other natural or manmade factors

**Known as the 5 factor analysis

How is a Species Listed...?



Determine species' status (con't)

When evaluating threats and conducting risk assessment to a species – we consider:

- Location of threat –local versus rangewide
- Impact of threat –individuals, populations, entire ranges
- Analysis entity: DPS, subspecies, species
- Degree of threat: magnitude –how severe
- Immediacy of threats: present, future, ongoing
- Synergy of threats (how the threats work together)

How is a Species Listed...?



Determine species' status (con't)

Summarize the science, the information, the risk assessment, draw conclusions.

Evaluate these on the listable entity and determine a recommendation....

...is it an endangered or threatened species ??

How is a Species Listed...?



Complete the process

- **Draft notice of listing**
- **Publish proposal**
- **Request comments and information**
- **Conduct Peer Review**
- **Revise proposal considering public and peer review comments**
- **Publish Final**

When is a Species Recovered?

- To delist species, a similar process is followed to what is used in considering whether to list species
- Considering the listed entity or population, have we successfully eliminated or reduced threats?



When is a Species Recovered?

- Recovery stops the decline of a listed species by removing or reducing threats.
- Recovery ensures the longterm survival of the species in the wild.
- Once this happens – the species is recovered, and protection under the ESA is no longer necessary.



When is a Species Recovered?

- Recovery plans provide a road map with detailed site-specific management actions.
- They are not regulatory documents but provide guidance on how best to help listed species achieve recovery.



When is a Species Recovered?

- Recovery plans use the best available science at the time of publication.
- They outline reasonable actions that are believed to be required to recover and/or protect a species.



When is a Species Recovered?

- For the Grizzly Bear, “our goal is to recover each ecosystem population as they reach recovery targets. “
- “Populations remain protected until the recovery criteria specific to that ecosystem are met, at which point we put forth a proposal to delist the population.”



When is a Species Recovered?

- A species is recovered when its threats have been reduced such that it no longer meets the definition of a threatened or endangered species under the Act



When is a Species Recovered?



Process for developing the delisting rule for a recovered species...

- **Draft notice of delisting**
- **Publish proposal**
- **Request comments and information**
- **Conduct Peer Review**
- **Revise proposal considering public and peer review comments**
- **Publish Final**

Does the status of GB influence/limit/direct the GB Advisory Councils recommendations?



History

- Working together to manage bears for over 40 years.
- Long term partnership -the status of the species is not going to change that, and Partners will be dealing with GB in the long term (listed or not).

Does the status of GB influence/limit/direct the GB Advisory Councils recommendations?



- We suggest you look beyond the question of whether bear is listed or not
- Focus on what you want to see agencies do to respond to grizzly bears and manage grizzly bear issues –regardless of the grizzly bear's status

Questions...??



- *How does the ESA influence the work of the council? Does ESA limit GBAC authority? Does ESA give the GBAC a framework for recommendations? Are there sideboards for GBAC recommendations because of GB status under the ESA?*

Questions...??



- *There are regulations under the ESA that guide how we are allowed to manage the bear (while it is still listed). These include the 4d Rule, the IGBC Guidelines and Nuisance Plan and Federally issued permits.*
- *More about these with the conflict management talks...*

